



CATEGORY - HUMAN RESOURCES

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CDC/ATSDR TELECOMMUTING POLICY FOR CIVILIAN EMPLOYEES

Sections: I. PURPOSE

II. INTRODUCTION

III. REFERENCES

IV. POLICY

V. PROCEDURES

Exhibits: TELECOMMUTE REQUEST FORM

TELECOMMUTE EMPLOYEE AGREEMENT, CDC 0.1222A

LOCATIONS OF TELECOMMUTING CENTERS

I. PURPOSE

This document replaces the CDC/ATSDR Flexible Workplace Arrangements Program and is established in cooperation with the CDC/ATSDR Labor/Management Cooperation Council.

This program allows civilian employees to perform duties from their home or other approved work sites. Employee participation is voluntary, subject to supervisory approval.

The terms telecommuting and teleworking are used interchangeably in this Policy, as are telecommuter, teleworker, employee, and participant.

II. INTRODUCTION

Public Law 106-346, Sec. 359, 10/23/2000 states: "Each executive agency shall establish a policy under which eligible employees of the agency may participate in telecommuting to the maximum extent possible without diminished employee performance. Not later than six months after the date of the enactment of this Act, the Director of the Office of Personnel Management shall provide that the requirements of this section are applied to 25 percent of the Federal workforce, and to an additional 25 percent of such workforce each year thereafter."

In an OPM Memorandum to Heads of Executive Departments and Agencies (2/9/2001) it states: "The purpose of the law is to require that each Federal agency take a fresh look at the barriers that currently inhibit the use of this flexibility and act to remove them and increase actual participation. The law recognizes that not all positions are appropriate for telecommuting, but each agency must identify positions that are appropriate in a manner that focuses on broad objective criteria. Once an agency has established eligibility criteria, subject to any applicable agency policies or bargaining obligations, employees who meet them and want to participate must be allowed that opportunity if they are satisfactory performers."

Telecommuting can:

- Improve the quality of work and increase productivity. Employees can concentrate on the project itself with less distraction from the office environment.



- Improve morale and reduce stress by giving employees more options to balance work and family demands.
- Impact environmental issues, including traffic congestion, air quality, and energy issues.
- Improve parking availability.

Eligibility Criteria

Eligibility depends on job content (work to be performed) rather than on job title, grade level, type of appointment, or work schedule, and the following:

- Participants are civilian **Federal** employees, (with the exception of Regular Fellows) not serving an initial probationary period. Employer may determine, however, special situations in which new employees would be allowed to participate.
- Participants must be able to work without direct supervisory oversight.
- Teleworkers must have a job performance rating of Fully Successful, its equivalent, or better.

Reasons for Denial

1. Employee does not meet eligibility criteria.
2. If employee's job responsibilities are not conducive to a telecommute or telework arrangement. For example:
 - \$ major adverse impact on other employees;
 - \$ office coverage problems;
 - \$ job requires face-to-face interaction;
 - \$ job requires use of Privacy Act protected data or classified documents;
 - \$ employee performs site-specific tasks, or;
 - \$ work requires access to hard-copy shared files or materials.
3. The employee is on a performance improvement plan (PIP).
4. The employee has received a disciplinary or adverse action in the last six months that would adversely impact on the integrity of the teleworking program or the Employer.
5. There is properly documented misconduct and a clear nexus can be made between it and the employee's performance in an alternate work site situation.
6. Budget constraints.

III. REFERENCES

- A. GUIDELINES FOR PILOT FLEXIBLE WORKPLACE ARRANGEMENTS, PCMI, JULY 1990
- B. FINAL REPORT, THE FEDERAL FLEXIBLE WORKPLACE PILOT PROJECT WORK-AT-HOME COMPONENT, U.S. OFFICE OF PERSONNEL MANAGEMENT, JANUARY 1993
- C. PHS CIRCULAR 600-1, PHS FLEXIBLE WORKPLACE ARRANGEMENTS PROGRAM, APRIL 1995
- D. OPM MEMORANDUM OF FEBRUARY 9, 2001 [HTTP://WWW.OPM.GOV/WRKFAM/DIRMEMO2.HTM](http://www.opm.gov/wrkfam/dirmemo2.htm)
- E. OPM MEMORANDUM OF JANUARY 29, 2001 [HTTP://WWW.OPM.GOV/WRKFAM/DIRMEMO1.HTM](http://www.opm.gov/wrkfam/dirmemo1.htm)
- F. Section 359 of Public Law 106-346

- G. <http://www.opm.gov/wrkfam/dirmemo2.htm#Public%20Law>
Public Law 102-506
H. Interagency Telecommuting Site: <http://www.telework.gov/>

IV. POLICY

1. The program may be used to accommodate employees who have temporary or continuing health problems, or family responsibilities such as problems associated with latch key children or elder care, or those who might otherwise be unable to perform their work at their official duty station. However, an employee is not required to provide personal reasons for requesting to telecommute. Such information may be provided at his/her discretion. If an employee bases his/her request for participation on a medical condition, the employee may be required to provide supporting medical documentation.
2. Duty time will only be used for conducting official business. Agency personnel must be able to contact [by phone or on-line] the employee during work hours. Participants are expected to be accessible to co-workers, immediate supervisor and/or clients during core established hours, excluding lunch periods as when working at the official duty station.
3. The alternate work site may be the employees residence or other approved telecommute site. A telecommuters official duty station is not changed due to participation in this program. Entitlement to locality-based comparability payment, special salary rates, travel allowances, and relocation expenses is based on the official duty station. When the participant is scheduled for tour of duty at the alternate work site and is required to report to the official duty station after his/her normal duty hours, the employee will be compensated a minimum of two (2) hours.
4. Work performed at the alternate work site will be evaluated by the same performance standard and procedures that apply at the official duty station. Managers can measure what the employee produces by examining the product or results of the employees efforts. It is also helpful to use project schedules, key milestones, regular status reports, and team reviews.
5. The supervisor in consultation with the employee will set the schedule for telecommuting. Employees may request a telecommute arrangement for part of the workday.
6. Participants on a telecommute arrangement of more than two weeks who have requested to work their entire tour of duty at the alternate work site will be required to work one of those days each pay period at the official duty station. If the request is approved, the day to be worked at the official duty station will be determined in consultation with their supervisor. A waiver of this requirement can be approved by the CDC Director/ATSDR Administrator or Designee.
7. The participant should be consulted in advance when meetings/conferences or in-house training/seminars, etc., are being scheduled and require the participants attendance, so that the telecommuters availability is taken into consideration, as might normally be the case with employees at the official duty station.
8. By participating in this program, the employee does not relinquish any entitlement to reimbursement for authorized expenses incurred while conducting business for the Government, as provided for by statute and implementing regulations.
9. The employee is solely responsible for maintaining a safe home work space if the home is being used as the alternate work site.

10. The employee is covered under the Federal Employees Compensation Act if injured in the course of actually performing official duties at the alternate work site. Any accident or injury occurring at the alternate work site in the course of performing official duties must be brought to the immediate attention of the supervisor. The supervisor and safety office representative must investigate all such accident reports immediately following notification. Should this investigation require an inspection of the alternate work site, the employee will be given a minimum of 24-hour advance notice. The inspection will take place during the employee's tour of duty. If the employee is a member of the bargaining unit, a union representative will be allowed to accompany the inspection team at the employee's request. AHRC/ Labor Relations Office or the Collective Bargaining Official will make the necessary arrangements for release of Union official.
11. The Standards of Conduct continue to apply at the alternate work site.

Time and Attendance

All pertinent time and attendance, leave, and pay regulations must be observed by employees and supervisors when an employee telecommutes.

The existing rules on overtime under title 5, U.S.C., and the Fair Labor Standards Act (FLSA) apply to telecommuting employees. Overtime, compensatory time, and credit hours may be earned while telecommuting with the advance approval of the supervisor.

All work schedules available to employees at the official duty station will also be available to telecommuters. Participants will be allowed to continue to work their current tour of duty while telecommuting or request approval to work a different schedule, subject to the provisions of the CDC Alternative Work Schedule policy. Telecommuting is an option for any workday, including Mondays and Fridays. Participants will normally be allowed to resume their previous work schedule when terminating their telecommute arrangement. Employee may request a change of their tour of duty while telecommuting. Requests and determinations will be made in advance and may be done via email. If disapproved, reasons must be cited in the response. Employee must notify his/her timekeeper of the new tour. This may be done via email.

The participant's time and attendance will be recorded as if performing official duties at the official duty station.

Equipment / Services

If an employee's request for telecommuting is approved, the Agency will provide the participant with the equipment and/or other resources necessary to perform their duties from the alternate work site.

The Agency may pay for the installation and continuing monthly cost of telecommunication links in private residences for the use of telecommuting. (See Treasury, Postal Service, and General Appropriations Act, 1996; Public Law 104-52 104th Congress Sec. 620. 31 USC 1348).

The employee will apply appropriate safeguards to protect government records from unauthorized disclosure or damage, and will comply with the requirements set forth in the Privacy Act of 1974, Public Law 93-579, codified at Section 552a, Title 5 U.S.C.

The government may place government-owned computers and telecommunications equipment in an employee's home or at other alternate work sites, but the government retains ownership of

and control of hardware, software, and data. Such equipment, its repair and maintenance are the sole responsibility of the Agency.

If the employee is provided government equipment, the employee will protect the equipment in accordance with applicable procedures.

The Employer will not normally be responsible for operating costs, home maintenance, or any other incidental costs (e.g., utilities) associated with the use of the telecommuting site.

The Agency will not be liable for damages to an employee's personal or real property during the performance of official duties or while using government equipment in the employee's residence, except to the extent the Government is held liable by the Federal Tort Claims Act or Military Personnel and Civilian Employees Claims Act.

Group Dismissals

A teleworker may, or may not, be affected by an emergency requiring the official duty station to close. For example, on an inclement weather day the Agency should not excuse a teleworker unless his/her work cannot be performed, because the official duty station is closed.

When both the official duty station and the alternate work site are affected by a widespread emergency, the Agency will grant the teleworker excused absence, as appropriate.

When an emergency affects only the alternate work site for a major portion of the workday, the supervisor may require the teleworker to report to the official duty station, approve leave or leave without pay, or authorize an excused absence.

In the event of an emergency that affects or closes all, or part of an official duty station that would impact the teleworkers ability to work, the supervisor will attempt to notify the teleworker via e-mail or phone.

V. PROCEDURES

Employees request telecommuting via completion of the telecommute request form and submit to their immediate supervisor by email or hard copy. Email requests must be printed and signed by approving officials and forwarded to AHRC for the official file. Requests to telecommute for more than two weeks require completion of the employee telecommute agreement.

- Prior to making a determination on a request to telework, the immediate supervisor should discuss the arrangement with the employee, for example, the nature of the work, anticipated product, applicable confidentiality/security issues, space, facilities, and equipment at the official duty station and alternate work site to assure both parties understand their responsibilities. Needs of the organization may necessitate changes to the agreement regarding office space issues, etc.
- The official at each approval level will indicate his/her concurrence on the request and forward the request immediately to the next approval level. The participant must be notified of a final decision prior to the starting date of the arrangement. If a request is denied, the reason(s) for such a determination must be written on the request before returning it to the employee. The official making such determination will immediately notify the requesting employee of the denial. Disputes may arise over the eligibility for and/or approval of participation in the telecommute program. The employee and supervisor should attempt to resolve the dispute prior to pursuing resolution through the filing of a grievance or

alternative dispute resolution procedures.

Types of arrangements and approvals:

- Arrangement to telecommute for 1 pay period or less requires immediate supervisor approval. Time frame for response to request: 2 work days.
- Arrangement of greater than 1 pay period, but not to exceed 3 months requires 2nd level supervisor (or designee) approval. Time frame for response to request: 5 work days.
- Arrangement of greater than 3 months, but not to exceed 1 year requires approval of the immediate supervisor, the second level supervisor, and the Division/Office Director (or designee). Time frame for response to request: 10 work days.
- Extension of an employee to telecommute for 1 year consecutively must be approved through the official supervisory chain up to the CIO Director/Assistant Administrator (or designee). Time frame for response to request: 15 work days.
- Originals of all approved and denied requests are forwarded to the AHRC telecommuting coordinator.

Terminations/Cancellations /Modifications

The employee may terminate his/her telework agreement at any time. Agreements may need to be modified during the agreement period due to work environment changes at the official duty station.

The Employer may terminate the employee's participation in the telecommute program for cause such as:

- Failure to continue to meet the eligibility criteria;
- Failure to adhere to the provisions of the agreement;
- Organizational exigencies that impact on the mission of the Employer, and require the employee to perform work at the official duty station;
- Misconduct in connection with the employees obligations under the flexible workplace program.

If an approved teleworking arrangement is rescheduled, canceled or terminated at the decision of the Employer, he/she will provide the employee advance written notice including reasons for such action, with a copy provided to the AHRC telecommuting coordinator. To protect the employees entitlement to coverage under the Federal Employees Compensation Act, documentation of such changes will be maintained by the employee.

The AHRC Telecommuting Coordinator:

- Researches issues and questions, and provides technical advice on telecommuting policies, procedures and pertinent regulations.
- Reviews employee participation for compliance with legal, regulatory, and any collective bargaining agreement requirements. Arranges, as appropriate, employee use of telecommuting centers.
- Ensures that employee-Agency agreements and Agency-GSA agreements related to telecommuting centers are consistent with pertinent laws, regulations and policies concerning participant eligibility, hours of work, pay and leave.
- Provides assistance to supervisors and others as necessary.
- Maintains a file of all official teleworking documents.
- Consolidates data for reports to HHS, other federal agencies, or the CDC/ATSDR Labor Management Cooperation Council.

References to CDC also apply to ATSDR.